

Brian L. Tremer, Esq. (BT2804)
KROLL HEINEMAN CARTON, LLC
Metro Corporate Campus I
99 Wood Avenue South, Suite 307
Iselin, New Jersey 08830
Tel: (732) 491-2100
Fax: (732) 491-2120
Attorneys for Petitioners

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEW JERSEY BUILDING LABORERS) Hon.
STATEWIDE BENEFIT FUNDS AND THE)
TRUSTEES THEREOF,) Civil Action No. 13-
)
Petitioners,) **CIVIL ACTION**
)
v.)
) **PETITION TO CONFIRM
ARBITRATION AWARD**
SLAVCO CONSTRUCTION INC.,)
)
Respondent.)

Petitioners New Jersey Building Laborers' Statewide Benefit Funds ("Funds") and the Trustees thereof ("Trustees") (collectively, the "Petitioners") by their undersigned attorneys, as and for their Petition, allege and say:

1. The Funds petition this Court for an Order pursuant to the Federal Arbitration Act, ("FAA"), 9 U.S.C.A. §§ 9 and 13, confirming award of the Arbitrator issued in favor of Petitioners on August 27, 2013, and directing that judgment be entered accordingly. This Petition is made on the following grounds.

2. At all times relevant, the Funds were, and still are, trust funds within the meaning of Section 302(c)(5) of the Labor Management Relations Act, ("LMRA"), 29 U.S.C. §186(c)(5), and employee benefit plans within the meaning of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1132 (e) and (f), and are administered at 3218 Kennedy Boulevard, Jersey City, New Jersey 07306.

3. The Trustees of the Funds are fiduciaries within the meaning of Section 3(21)(A) of ERISA, 29 U.S.C. § 1002(21)(A). The Trustees maintain their principal place of business at 3218 Kennedy Boulevard, Jersey City, New Jersey 07306.

4. Upon information and belief, at all times relevant, Respondent Slavco Construction, Inc. (“Respondent”) is, and still is, a business entity duly organized and existing under the laws of the State of New Jersey, with a principal office located at 164 Getty Avenue, Clifton, New Jersey 07011.

5. The jurisdiction of this Court is based upon Section 502 (e) and (f) of ERISA, as amended, 29 U.S.C. §1132(e) and (f), and FAA, 9 U.S.C.A. § 9. Venue properly lies in this District pursuant to 29 U.S.C. § 1332(e)(2) because the Funds maintain their principal offices in New Jersey and are administered therein and the underlying arbitration took place in New Jersey.

6. Respondent is a signatory to a collective bargaining agreement (“CBA”), which is a valid enforceable, and irrevocable agreement. A copy of the pertinent portions of the CBA and the applicable Short Form Agreement binding Respondent thereto are attached hereto as Exhibits “A” and “B” respectively.

7. Respondent is also bound by the Declaration of Trust of the Funds. A copy of the pertinent portions of the applicable Trust Agreement is attached hereto as Exhibit “C”. Under the terms of the applicable CBA and trust agreement, Respondent is required to make contributions to the Funds.

8. The Trust Agreement provides: “The Trustees may take any action necessary or appropriate to enforce payment of contributions, interest damages, and expenses provided for herein.” In accordance with the Trust Agreement, a Permanent Arbitrator has been appointed to resolve claims of delinquent contributions to the Funds.

9. After finding that Respondent was duly notified of the hearing and considering all of the evidence presented in connection therewith, the Permanent Arbitrator issued an award in writing against the Respondent identified in Paragraph 4 of this Petition – copy of which is attached as Exhibit “D”.

10. With the award, the Permanent Arbitrator directed Respondent to cease and desist from continuing to violate the Trust Agreement and pay forthwith all delinquent contributions to the Funds, plus interest, attorney’s fees and costs. The Funds promptly served signed copy of the award upon Respondent. Notwithstanding the Opinion and Award of the Arbitrator and notice of the same, Respondent has failed and refused in all respects, and continues to fail and refuse in all respects, to comply with the Opinion and Award issued by the arbitrator.

WHEREFORE, Petitioners pray for the following relief:

- (a) An Order confirming the Arbitration Award;
- (b) Entry of a judgment or decree by the clerk which may be enforced as any other judgment or decree;
- (c) Costs of this petition and of all subsequent proceedings and disbursements including, but not limited to, court’s filing fee in the amount of \$400.00;
- (d) Costs, attorney’s fees, and interest thereupon, as provided by law; and
- (e) Such other relief as the Court deems equitable.

KROLL HEINEMAN CARTON, LLC
Attorneys for Petitioners

S/ BRIAN L. TREMER

By:

BRIAN L. TREMER

DATED: October 11, 2013